

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HECTOR SANTANA,

X

Petitioner,

:

-v.-

:

JAMES MANCE, et al.,

:

Respondents.

:

X

**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

The Court is in receipt of a letter dated April 21, 2008. In that letter, respondents' counsel makes representations about what Mr. Race would say in an affidavit. The Court notes that it will not consider such representations for purposes of deciding this petition.

In the event that respondents seek to supplement the record with an affidavit from Mr. Race, they have leave to file a motion that includes the proposed affidavit as an exhibit. Any such motion must be accompanied by a memorandum of law. The memorandum of law must set forth the legal grounds, including citations to case law, that would justify the Court's consideration of the affidavit. Any such motion shall be filed by May 15, 2008.

The parties shall attempt to agree on dates for further submissions in response to this motion (if filed) and in relation to any reply papers from respondents on the current supplemental briefing. The parties shall inform the Court of the proposed briefing schedule and may change any dates in such schedule by agreement and without Court order as long as the Court is informed of any change by letter.

SO ORDERED

DATED: New York, New York  
May 6, 2008



GABRIEL W. GORENSTEIN  
United States Magistrate Judge

Copies to :

Lorraine Maddalo  
The Legal Aid Society  
Criminal Appeals Bureau  
199 Water Street  
New York, NY 10038

Lisa Fleishmann  
Assistant Attorney General  
120 Broadway  
New York, NY 10271